

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MAN LEWIS, JR.,

Plaintiff,

v.

Case No. 2:04-cv-224  
HON. ROBERT HOLMES BELL

BILL ELLIOT, et al.,

Defendants.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S**  
**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on. The Report and Recommendation was duly served on the parties. The Court has received objections from the plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff argues that defendant Elliot retaliated against him by making a derogatory comment about plaintiff's criminal conviction involving criminal sexual conduct. The comment allegedly made was not a direct statement made by defendant Elliot to plaintiff, but was a comment allegedly overheard by another inmate who told plaintiff what defendant Elliot had stated. The alleged statement is clearly hearsay. Moreover, plaintiff's assertion that the comment was retaliatory is not supported by any evidence. Similarly, plaintiff has failed to show that the filing of misconduct tickets were retaliatory acts. Likewise, plaintiff's claims of conspiracy and equal protection violations are properly dismissed.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

Dated: March 13, 2006

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE